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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

PORTUGAL

1. At its 7th, 8th and 10th meetings, held on 4 and 5 May 1995, the Committee considered the second periodic report of Portugal concerning rights covered by articles 1-15 of the Covenant (E/1990/6/Add.6), as well as the written replies to the additional questions formulated by the pre-sessional working group, and approved* the following observations.

A. Introduction

2. The Committee expressed great appreciation to the State party for its comprehensive and detailed report and the substantial additional information which it communicated by writing, as well as for the excellent dialogue established between the members of the Committee and the large delegation of experts, which included a number of women representing relevant parts of the Portuguese Government.

3. The Committee is most appreciative of the transparent, detailed and precise manner in which the Portuguese delegation replied to all its questions, demonstrating the firm determination of the Government of Portugal to implement all the provisions of the Covenant.

* At its 27th meeting (twelfth session) held on 18 May 1995.

B. Positive aspects

4. The Committee congratulates Portugal on the numerous constitutional, legislative and other measures which it has taken to promote the realization of economic, social and cultural rights as provided for in the Covenant. It notes with satisfaction the efforts of the Government to tackle unemployment from various angles, the positive measures undertaken with regard to the protection of the economic, social and cultural rights of women, elderly workers and disabled persons, the increase, both in absolute terms and in proportion to military expenditures, of public spending on health, the existence of a non-contributory social security system in parallel with the general system, and the measures taken to regularize the situation of clandestine immigrant workers.

5. The Committee welcomes the decision of the Portuguese Government to ratify International Labour Organization Convention No. 138 concerning minimum age for admission to employment. It also notes with interest the raising of the minimum age for access to employment in 1992, the recent decision to increase the duration of compulsory schooling to nine years and the various measures taken to combat child labour.

6. The Committee notes with satisfaction the campaigns conducted against intolerance and racial discrimination, in favour of equality between the sexes and against child labour. The Committee notes with interest the training courses on human rights given to law enforcement and judicial personnel, as also the information campaign on the Covenant and the Committee on Economic, Social and Cultural Rights.

7. The Committee appreciates the efforts being made by the Portuguese Government to secure from the Government of the People's Republic of China all possible guarantees regarding respect for the provisions of the Covenant in the territory of Macao after 1999.

C. Factors and difficulties affecting the implementation of the Covenant

8. The Committee notes that Portugal is in a situation of economic transition and, in certain respects, still has the characteristics of a developing country, particularly an illiteracy rate which remains fairly high and an appreciable proportion of the population living below the poverty line.

D. Main subjects of concern

9. The Committee notes with concern that, despite the existing legislative provisions and the efforts of the Commission on Equality in Employment, there is still de facto discrimination against women with regard to the right to equal treatment at work and the right to equal remuneration.

10. The Committee notes that the increase in the minimum wage has not kept pace with economic growth in recent years and is concerned over a tendency for the minimum wage to depreciate.

11. The Committee is also disturbed by the fact that secondary and higher education enrolment rates are still relatively low compared to countries with a stage of development comparable to that of Portugal. Drop-out and failure rates at the secondary and higher levels also remain high.

E. Recommendations and suggestions

12. The Committee recommends that the Portuguese authorities should continue their efforts with a view to ensuring de facto equality between men and women, particularly in the fields of access to employment and equal pay for equal work.

13. The Committee recommends that the Government seek to ensure a gradual increase in the minimum wage, which should take account of Portugal's economic growth and the inflation rate, with the object of increasing the purchasing power of those living on the minimum wage.

14. The Committee urges the State party to continue its efforts to guarantee the right to housing for the most vulnerable groups, through improved sanitation and rehabilitation of dwellings that are insanitary or lack minimum basic services.

15. The Committee recommends that the Government take measures with a view to encouraging registration in secondary and higher education and to facilitate access to secondary and higher levels of education of persons from lower income families.